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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 JAMES L. DAVIS,

10 Plaintiff,

No. CIV S-04-1390 LKK EFB P

11 vs.

12 TERESA A. SCHWARTZ, et al.,

13 Defendants.

ORDER

14 \_\_\_\_\_/  
15 Plaintiff has requested the appointment of counsel. The United States Supreme  
16 Court has ruled that district courts lack authority to require counsel to represent indigent  
17 prisoners in § 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In  
18 certain exceptional circumstances, the court may request the voluntary assistance of counsel  
19 pursuant to 28 U.S.C. § 1915(e)(1). *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991);  
20 *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court  
21 does not find the required exceptional circumstances.

22 Accordingly, it is ORDERED that plaintiff's September 8, 2006, motion for  
23 appointment of counsel is denied.

24 DATED: September 14, 2006.

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26 EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE